IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL (LODG.) NO.354 OF 2003

The Commissioner of Income tax ..Appellant.

V/s.

M/s.Nandini Piramal Inv. Ltd. ..Respondent.

Mr.A.D. Kanugo for appellant.

Mr.Rajesh Shah for respondent.

CORAM : H.L.GOKHALE AND
J.P.DEVADHAR, JJ.

DATED : 14TH NOVEMBER, 2006.

P.C. :-

Heard Mr.Kanugo in support of the motion. Mr.Shah appears for the respondent. The appeal raises the following questions of law.

1) Whether the CIT(A) is entitled to admit additional evidence in contravention of rule 46A ?

2) Whether the interest on unsecured loans amounting to Rs.7,29,673/- raised from sister concerns are entitled for deduction as business expenses if the loans are not utilised for the purpose of business during the year ?

2. Mr.Kanugo does not dispute that as far as the second question is concerned, the same was not raised before the Tribunal as well. So far as the first question is concerned, it is seen from the order

passed by the Tribunal that it has only corrected an error and done nothing other than that. There is no question of law arising as such. The Tribunal has noted that the assessee has produced a statement requiring correction. This does not amount in any way contravention of rule 46A of admitting additional evidence.

3. Appeal is dismissed.

(H.L.GOKHALE, J.)

(J.P.DEVADHAR, J.)